

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

BARRETT PAVING MATERIALS, INC.)

Plaintiff,)

v.)

CONTINENTAL INSURANCE COMPANY,)
MICHIGAN MUTUAL INSURANCE)
COMPANY, AND FIRST STATE)
INSURANCE COMPANY,)

Defendants.)

CIVIL NO. 1:04-CV-61-B-S

JUDGMENT

In accordance with the prior rulings of this Court, judgment hereby enters pursuant to FRCP 54 as follows:

1. In accordance with the Order Affirming Report and Recommendation (Pleading No. 87) dated February 1, 2006, judgment hereby enters in favor of Plaintiff Barrett Paving Materials and against Defendant Continental Insurance Company with respect to Barrett Paving's claims against Continental.

2. In accordance with the Court's May 2, 2006 Findings of Fact and Conclusions of Law following the April 21 bench trial between Barrett Paving Materials and the Michigan Mutual Insurance Company, judgment hereby enters in favor of Plaintiff Barrett Paving Materials and against Defendant Michigan Mutual Insurance Company with respect to Barrett Paving's claims against Michigan Mutual.

3. In accordance with the Order Affirming Report and Recommendation (Pleading No. 87) dated February 1, 2006, judgment hereby enters in favor of defendant First State

Insurance Company and against Plaintiff Barrett Paving Materials with respect to Barrett Paving's claims against First State.

4. In accordance with the Joint Stipulation entered by Barrett Paving, Continental and Michigan Mutual on May 17, 2006, Continental and Michigan Mutual are hereby directed to each pay one-half of the reasonable future costs of defending Barrett Paving in the Third Party Complaint brought against it by Citizens Communications Company. Furthermore, each shall reimburse Barrett Paving as follows:

a. Continental shall reimburse Barrett Paving for \$142,500 for defense costs incurred up to the present and shall additionally pay Barrett Paving the sum of \$20,376.22 for legal fees incurred by Barrett Paving in prosecuting this insurance coverage law suit.

b. Michigan Mutual shall reimburse Barrett Paving for \$142,500 for defense costs incurred up to the present and shall additionally pay Barrett Paving the sum of \$38,974.40 for legal fees incurred by Barrett Paving in prosecuting this insurance coverage law suit.

/s/ George Z. Singal
Chief U.S. District Court Judge

Dated at Portland, Maine this 22d day of May, 2006